UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1991/5
12 July 1991

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-third session
Item 4 of the provisional agenda

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS IN WHICH THE SUB-COMMISSION HAS BEEN CONCERNED

Human Rights in time of armed conflicts

Analytical review of information received from Governments on the scope of education provided to members of the police and the armed forces prepared by the Secretary-General

CONTENTS

		Paragraphs	Page
	INTRODUCTION	1 - 3	2
I.	EDUCATION IN HUMAN RIGHTS AND INTERNATIONAL HUMANITARIAN LAW	4 - 45	3
II.	INTERNATIONAL COOPERATION IN TEACHING OF KNOWLEDGE	46 - 55	9
III.	SPECIAL ARRANGEMENTS	56 - 64	10
IV.	CONCLUDING REMARKS	65 - 70	11

GE.91-12384/3424B

INTRODUCTION

1. In its resolution 1990/66 entitled "Human rights in times of armed conflicts", adopted on the recommendation of the Sub-Commission (resolution 1989/24), the Commission on Human Rights, sharing the view expressed by the Sub-Commission that better respect for humanitarian law and the law of human rights is needed in times of armed conflict, noted that the States Parties to the four Geneva Conventions of 1949 and to the two Additional Protocols of 1977 had undertaken to disseminate those instruments as widely as possible and, in particular, to include the study thereof in their programmes of military instruction and to encourage the study thereof by the civilian population. The Commission called upon all Governments to give particular attention to the education of all members of security and other armed forces, and of all law enforcement agencies, in the international law of human rights and international humanitarian law applicable in armed conflicts. The Commission recommended that this education also include transmission of knowledge of the relevant instruments in the field of human rights as well as the Code of Conduct for Law Enforcement Officials, the Standard Minimum Rules for the Treatment of Prisoners and the Basic Principles on the Independence of the Judiciary, with a view to ensuring respect for the principles and rules contained in these provisions. The Commission requested the Secretary-General to transmit this resolution to all Governments requesting information on the scope of education provided to members of the police and the armed forces. The Secretary-General was also requested to submit to the Sub-Commission an analytical review of the replies received. Finally, the Commission called upon the Sub-Commission to study the matter further with a view to making proposals to the Commission for further action in this field.

2. Notes verbales dated 18 July 1990 and 7 January 1991 were sent by the Secretary-General to all States inviting them to submit information on the subject. By 12 July 1991, communications were received from the Governments of Bahamas, Bahrain, Belgium, Brunei Darussalam, Bulgaria, Cameroon, China, Colombia, Cuba, Ecuador, Finland, Germany, Greece, Guatemala, Ireland, Italy, Jamaica, Liechtenstein, Madagascar, Malta, Mexico, Morocco, New Zealand, Niger, Norway, Panama, Paraguay, Portugal, Qatar, Republic of Korea, Rwanda, Samoa, Singapore, South Africa, Spain, Switzerland, Thailand, Tunisia, United Kingdom, Yugoslavia and Zaire. An analytical review of substantive replies is reproduced below*.

3. Many countries have responded to the Secretary-General's request for information on the scope of education provided to the police and the armed forces in the area of human rights and international humanitarian law. However, the diversity of the replies given, coupled with the fact that relevant international organizations and NGOs have not been heard in relation to this review, have prevented the drafting of a comprehensive report as intended. This report, based on government replies, has therefore been structured in accordance with the themes and tendencies found in the replies, and with the content of resolution 1990/60 of the Sub-Commission.

---

* The full texts of the replies are available for consultation in the Secretariat files.

I. EDUCATION IN HUMAN RIGHTS AND INTERNATIONAL HUMANITARIAN LAW

4. All Governments confirmed that education in the area of human rights and humanitarian law was provided. While in most cases the Governments confirmed the education of both the police and the armed forces, some replies mentioned only one or the other group.

5. Special courses, workshops and seminars are often arranged, but the scope of education generally depends on the level/position in the hierarchy of the police and armed forces of the persons concerned. For example, the Government of Great Britain indicated that the exact nature of, and time devoted to, such instruction would vary according to rank, specialization and position. For example, in the RAF, cadets undergoing Initial Officer Training were allocated 2 hours 40 minutes whilst airmen/airwomen recruits were given 40 minutes. For RAF NCOs, corporals received 45 minutes training whilst sergeants received 1 hour 15 minutes. Manuals, lecture handouts and other instructional aids were used across all three services to reinforce the training given.

6. The Government of Qatar stated that a course in human rights in times of armed conflict was taught as part of the training courses for the Qatari armed forces. This was done on a small scale and was confined to officers.

7. In Belgium, the guiding principle is that members of the armed forces attend courses on the law of armed conflict throughout the various stages of their continuing training. The scope of the courses varies according to the level of their responsibilities.

8. Training in the Geneva Conventions and Protocols is carried out in the New Zealand armed forces. The scope varies according to the level of the personnel undergoing training. Essential training, according to their particular level, is given to trainees during basic and unit training. Training is given to officer cadets undergoing individual training at Officer Cadet School and to officers on selected promotion courses. The rights of citizens are matters covered in training delivered to members of the New Zealand police at recruit, non-commissioned and commissioned officer level.

9. The Government of Yugoslavia pointed out that particular attention was given to the education of commissioned and non-commissioned officers directly responsible for giving effect to the legislation in this area.

10. According to the information provided by Germany, instruction in international humanitarian law is conducted at all training levels. Its intensity is tailored to the degree of responsibility to be assumed by the individual serviceman in case of armed conflict. Thus, instruction up to and including the level of non-commissioned officers focuses on imparting the elementary rules to be observed by the serviceman as a small-unit leader in an armed conflict. Commissioned officers are responsible for conducting the instruction. The members of higher-grade categories are provided instruction and continuing education by professional lawyers in view of their greater responsibility and the related necessity for answering questions in a more comprehensive manner. These lawyers are either full-time legal advisers assigned to division commanders and higher-command authorities or legal instructors at military schools and academies.

11. The Government of Germany further indicated that 2-year career training for the higher grade of police service was given at the Police Command College. A 3-year career training for the higher intermediate grade of police service was provided by the Laender and federal authorities (Federal Office of Criminal Investigation, Federal Border Guard). A 2 1/2-year training for the intermediate class of police service is given at the Emergency Police agencies/authorities and State Police schools of the Laender as well as provided by the Federal Border Guard.

12. The Government of Switzerland provided information stating that dissemination of such information had been continually developed and now included three levels of instruction:

1. Basic instruction as part of recruits' training;

2. More extensive instruction for future unit commanders up to the rank of major (six two-day courses per year);

3. Thorough instruction for regimental commanders and staff officers of large units, who might have to deal with problems relating to the law of war (two three-day courses per year).

13. Special reference was often made to the teaching of the four Geneva Conventions and the Additional Protocols, as in the case of Singapore which stated that training, in the form of lectures and practical exercises, was provided to all ranks of the Singapore armed forces to educate them on the 1949 Geneva Conventions and international humanitarian law. But more often the replies received expressed a general commitment to the teaching of humanitarian law and human rights.

14. The Government of Great Britain stated that all United Kingdom service personnel were given instruction in the law of armed conflict including international humanitarian law applicable in armed conflicts.

15. The Government of Yugoslavia reported that legislation on the international law of human rights and international humanitarian law applicable in armed conflicts had been enacted by the armed forces of the Socialist Federal Republic of Yugoslavia. That legislation included all existing rules of international law in the field of human rights. It envisaged the obligation of providing education to all members of the armed forces in the application of those rules. The obligation was fulfilled through the study of the rules in all military colleges.

16. A certain distinction between the education of the police and that of the armed forces was reported by the Government of the Republic of Korea which pointed out that the Korean police authorities had no such educational programme as the one provided for legal officers and combat officers, which was specifically applicable to human rights in times of armed conflict since police officers were mainly concerned with arrest, suppression and investigation of criminal suspects during normal times.

17. The Code of Conduct for Law Enforcement Officials, the Standard Minimum Rules for the Treatment of Prisoners and the Basic Principles on

the Independence of the Judiciary have been mentioned by some countries as forming part of the education of their police and the armed forces.

18. The Governments of Colombia, Greece, Ireland, New Zealand and Qatar pointed out that the study of the United Nations Code of Conduct for Law Enforcement Officials had been included in the programme of their police training.

19. The Government of Cuba mentioned that the subject "professional ethics", which forms part of the education of the "revolutionary national police forces", was taught in accordance with the Code of Conduct for Law Enforcement Officials.

20. The Governments of Greece and Ireland referred in their replies to the teaching of the Standard Minimum Rules for the Treatment of Prisoners. Only Ireland made reference to the Basic Principles on the Independence of the Judiciary. It was stated that this subject formed part of the instruction in all educational courses for police personnel.

Teaching materials and subjects taught

21. Some Governments enclosed with their replies syllabuses or lists of subjects taught to the police and/or the armed forces.

22. Greece provided the following list of subjects, which are included in the curriculum of the Greek police academies:

- Constitutional law;
- Public international law;
- Penal law;
- Penal procedure;
- Investigation;
- Police practices;
- Police operations: rallies, manifestations, etc.;
- Public relations.

23. Spain listed the following topics which are included in the quarterly one-week courses given to officers:

- Synopsis of the law of armed conflicts;
- International rules of international humanitarian law: their development and scope;
- The International Red Cross and Red Crescent Movement;

- Suppression of war;

- Treatment of combatants;

- Protection of wounded, sick and shipwrecked persons and of medical personnel;

- Protection of prisoners of war;

- Protection of the civilian population and role of the State security forces;

- Protection of cultural property;

- Rules of neutrality;

- Civil war;

- Asylum and refuge;

- International human rights law and international humanitarian law;

24. Finland listed the following topics included in conscript training in the armed forces:

- The definition of a soldier;

- Treatment of sick and wounded enemies and the treatment, rights and responsibilities of a POW;

- Protection of civilians in wartime;

- Attitude towards booty;

- Forbidden combat equipment and methods;

- The rules of a soldier;

- The most important international emblems.

25. The subjects covered in Great Britain in the instruction on the law of armed conflict, including humanitarian law, are:

- The main requirements and restrictions of The Haque Rules, the Geneva Conventions and Additional Protocols;

- Combatant status;

- The handling and rights of prisoners of war;

- The status of the armed forces medical services.

26. Colombia enclosed a leaflet entitled "Courageous - but Courteous" and a "Code of Conduct for Law Enforcement Officers" which have been circulated to its armed forces, and a document entitled "Human Rights in the National Police".

27. Italy and South Africa also attached educational materials and manuals.

28. The Republic of Korea enclosed a timetable used in the education of officers in the armed forces. The description of basic courses, professional studies and specialized courses for the police forces was also provided by the Government of Brunei Darussalam.

Dissemination of human rights and humanitarian law to civilians

29. The dissemination of humanitarian law to the civilian population, which was encouraged by the Commission on Human Rights in its resolution 1990/66, was referred to in some replies.

30. Norway reported that the study of international humanitarian law had been incorporated into military training programmes and study by the civilian population was also encouraged.

31. An interministerial commission has been set up in Portugal to coordinate the different activities of information and public awareness in the field of humanitarian law.

32. In South Africa, the full text of the Geneva Convention, which had been translated into Africaans, was published on 3 May 1968 in the Republic's Government Gazette. It was mentioned that this publication of parallel Africaans and English texts was designed to ensure the fullest possible dissemination of the documents in the country's official languages.

33. The Government of Cameroon stated that every two years the Institute of Foreign Affairs of Cameroon (IRIC), in conjunction with the International Committee of the Red Cross, organized seminars on the law of armed conflict for senior officers of the police and the armed forces.

34. Cuba indicated that the attendance at two seminars held by the International Committee of the Red Cross and the Cuban Red Cross was included in the activities organized by the Ministry of armed forces to disseminate knowledge of international humanitarian law.

35. Ecuador indicated that a cooperation agreement between the Ecuadorian Red Cross and the Ministry of National Defence (a copy of which was attached to the communication received) required its signatories to disseminate the human rights instruments to which the country was a party among military personnel and to organize lectures and seminars on international humanitarian law. It was further mentioned that, in 1989 and again in 1990, the Antonio J. Quevedo Diplomatic Academy, in cooperation with the International Committee of the Red Cross, organized two seminars on international humanitarian law in which personnel from the Ministry of Foreign Affairs and other national institutions, including the armed forces and national police, took part.

36. In Finland, two to five instructors at the military schools and units participate in the annual familiarization and instructor courses on the law of war arranged by the Finnish Red Cross.

37. The Government of Guatemala, in conjunction with the International Committee of the Red Cross, has organized courses on humanitarian law, law in time of war and the principles on which the International Committee of the Red Cross bases itself.

38. Italy indicated that seminars on international humanitarian law are held each year by the Italian Red Cross.

39. In the Republic of Korea, the Institute for National Defence annually offers lectures on international humanitarian law, including the 1949 Geneva Conventions and the 1977 Additional Protocols, for legal officers and combat officers. The sessions are administered by lecturers from the International Committee of the Red Cross.

40. Madagascar reported that, in the field of human rights in times of armed conflict, the Ministry of Defence had taken some initiatives with a practical orientation in cooperation with the Red Cross (ICRC), in particular after the Regional Course on the Law of Armed Conflict held in January 1990 at the Military Academy in Antsirabe.

41. With reference to training for the armed forces, the Mexican Red Cross and the International Committee of the Red Cross have made provision in their 1991 programme for a specialized course for members of the General Staff. The Mexican Red Cross is currently finalizing the details concerning the time and venue of this course with the Office of the Secretary of Defence.

42. Norway stated that the Norwegian Red Cross enjoyed a special position among non-governmental organizations in respect of work connected with international humanitarian law. This work included seminars, campaigns and other measures to disseminate information about international humanitarian law.

43. Singapore in its reply also referred to the course conducted by the International Committee of the Red Cross.

44. At the initiative of the Spanish Secretary of State for Security, Ministry of the Interior, international humanitarian law has, for the past three years, been a required subject in the curricula of police and Guardia Civil academies throughout Spain. Under the auspices of the above-mentioned Secretary of State, the Spanish Red Cross Centre for the Study and Dissemination of International Humanitarian Law holds three-monthly courses for senior officers in the State security forces, like those intended for the armed forces. It was also indicated that there were in fact very close links between the Spanish Red Cross, an institution which has auxiliary status with the government authorities, and the Ministry of the Interior. These courses also provide members of the State security forces with a better understanding of the International Red Cross and Red Crescent Movement and, in particular, of the crucial role played by the International Committee of the Red Cross in times of armed conflict.

45. Zaire indicated that the Ministry of National Defence, wishing to educate members of the Zairian armed forces and to emphasize the importance of respect for human rights in periods of armed conflict, periodically organized, in cooperation with the ICRC and the Faculty of Law of the University of Kinshasa, seminars on international humanitarian law for officers and non-commissioned officers of the armed forces.

II. INTERNATIONAL COOPERATION IN TEACHING OF KNOWLEDGE

46. The Governments of Bulgaria, Cuba, Finland, Germany, Italy and Spain referred in their replies to their participation in special humanitarian law courses in San Remo, Italy.

47. In Finland, at the most important institutions of military education, there is an instructor in tactics or security policy who has attended the course in San Remo.

48. In Germany numerous instructors have derived great benefit from attending training courses at the International Institute of Humanitarian Law at San Remo.

49. Italy stated that for several years officers from the three armed forces responsible for performing the duties mentioned had been sent to attend the international courses on the law of armed conflict held three times a year at the International Institute of Humanitarian Law in San Remo.

50. In Spain, one officer from each branch of the armed forces attends the annual two-week course on humanitarian law in San Remo. Another two officers from the army usually participate in the course as teachers.

51. Some other forms of international cooperation in the area of dissemination of humanitarian law and human rights law were also mentioned.

52. Finland stated that, in addition to the humanitarian law courses in San Remo, some persons had participated in a Swedish course on the application of the law of war, and some others in courses for medical officers held in Switzerland.

53. Spain mentioned a meeting of principals of police colleges and others involved in the training of law-enforcement officers organized last November by the Council of Europe's Inter-Governmental Committee of Experts for Education and Information in the Field of Human Rights.

Cooperation with the International Committee of the Red Cross

54. Some countries mentioned cooperation with either the local or the international Red Cross with respect to dissemination of humanitarian law. This cooperation was often realized through seminars arranged by the ICRC. Thus, Bulgaria, Cameroon, Cuba, Ecuador, Finland, Guatemala, Italy, Madagascar, Mexico, Norway, the Republic of Korea, Singapore, Spain and Zaire noted the involvement of the Red Cross in their training programmes.

55. Bulgaria reported that the Ministry of Defence of Bulgaria considered as its prime duty, a duty stemming from the four 1949 Geneva Conventions and the two 1977 Additional Protocols, to acquaint the members of the armed forces of the Republic of Bulgaria with the principles and norms of international humanitarian law. This endeavour had received a new stronger impetus since 1988, as a follow-up to the 1988 Sofia international seminar on international humanitarian law, organized jointly by the International Committee of the Red Cross in Geneva, the Institute of International Humanitarian Law in San Remo, and the Bulgarian Red Cross in Sofia. It was further mentioned that in 1989, a special three-day workshop was held to train military officers as future lecturers in army detachments. Coordination of responsibilities in the dissemination of international humanitarian law since then had been entrusted to a special new body within the Bulgarian Red Cross - the International Humanitarian Law Panel - which included representatives of the Ministry of Defence.

III. SPECIAL ARRANGEMENTS

56. Some countries submitted information about other methods of education used at the national level besides the general teaching of humanitarian law and human rights to the armed forces and the police.

57. Belgium, subsequent to its ratifications of the First Protocol to the Geneva Convention, and in accordance with article 82 of the Protocol, has set up a structure for judicial advisers within the armed forces. The purpose of assigning the humanitarian law advisers was to assist the military commandants in respect of the doctrine, teaching and application of humanitarian law.

58. In Cuba, participation in postgraduate courses in international humanitarian law held by the Havana Higher Institute of International Relations and the organization of a seminar held jointly with the Cuban Lawyers' Union on military law are activities organized by the Cuban Ministry of the Armed Forces to disseminate knowledge of international humanitarian law.

59. In Bulgaria, a special three-day workshop was held in 1989 to train military officers as future lecturers and in November 1990 a workshop for military legal advisers was held which was attended by 132 participants. Its purposes was to acquaint legal advisers thoroughly with the fundamental instruments of international humanitarian law. A further measure in Bulgaria has been the setting-up of a new Humanitarian Law Council which acts as a ruling body with respect to legal advisers at military detachments.

60. Germany reported that a new edition of the military manual on international humanitarian law was being prepared in the form of a military handbook entitled "International Humanitarian Law in Armed Conflicts". In connection with this, Germany planned to hold international consultations with military experts, the results of which would be incorporated into the final version of the handbook.

61. Ecuador reported that in March 1990. The Latin American Association for Human Rights organized a human rights training seminar for 150 members of the national police, in which officers, non-commissioned officers and other rank took part.

62. In Portugal, an interministerial commission has been set up in order to coordinate the different activities relating to information and public awareness in this field.

63. Yugoslavia mentioned that important additional forms of military instructions were the holding of seminars and the publication of specialized journals and booklets by the Military Publishing and News Centre, intended primarily for the education of servicemen.

64. Malta reported that a pilot project was being organized dealing with the teaching of human rights to the police. The project would consist of three courses for:

(a) Members of the Criminal Investigation Department and Officer Cadets;

(b) Security personnel and officer cadets;

(c) Assistant commissioners, superintendents and inspectors.

IV. CONCLUDING REMARKS

65. Many countries in their replies gave expression to a positive attitude towards the subject concerned. For instance, Germany stated that it welcomed the initiative taken by the Commission on Human Rights and that it was prepared to lend strong support to international cooperation in the dissemination of international humanitarian law. Madagascar expressed a wish for the United Nations to send to Madagascar an expert in this field, who could arrange and participate actively in a conference on the subject. Furthermore, the government replies received revealed that some structure for providing education in human rights and international humanitarian law did indeed exist.

66. As stated at the outset of this report, some countries gave very detailed accounts of their educational system, whereas others only gave details in certain areas and others again only very general or brief information. However, a number of Governments have yet to furnish any information.

67. This review has revealed that there is a basis for further investigating the educational arrangements that exist, and that the international community can contribute to the attainment of international standards. The exact scope of the education provided to members of the police and the armed forces would appear to be a priority area for further study.

68. Moreover, important knowledge and experience in this field has been accumulated by a number of international organizations (such as UNESCO, Council of Europe, Commonwealth, ICRC, Interpol, etc.) as well as teaching institutions (such as the Henry Dunant Institute, Geneva; the International

Institute for Humanitarian Law, San Remo; the International Peace Academy, New York; and the International Institute of Human Rights, Strasbourg), which should also be taken into account.

69. In the light of the above, the Secretary-General is of the opinion that if a questionnaire on the subject were to be sent out to Governments, intergovernmental organizations and competent NGOs, the information received would be more homogeneous and precise, and thus facilitate further analysis.

70. In the view of the Secretary-General, a questionnaire would endeavour to establish what national and international norms relating to human rights and international humanitarian law are taught, and in what kind of educational institutions. It would ascertain to whom education in this area is provided (e.g. police, armed forces, prison personnel and other law enforcement officials), and at what level/rank in the hierarchy. It would clarify the exact scope and content of the education given in the area of human rights and international humanitarian law (what form does it take; how much time is dedicated to the subject; what materials are used; and whether education is given in a practical and/or theoretical form). Furthermore, it would reveal whether international cooperation in the dissemination of human rights and international humanitarian law takes place on an occasional or regular basis, in what form, and to what extent education is provided to civilians. On the basis of the information accumulated, it would be possible to draw up a detailed account of the scope and nature of education provided to the police and the armed forces in the area of human rights and international humanitarian law.